

# Spokane River Toxics Sovereigns Meeting

August 12, 2013

2 pm – 3 pm

## NOTES

### KEY THEMES SUMMARY

#### Defining Measurable Progress

- It is Ecology's responsibility to determine what "measurable progress" means.
- We want to honestly answer the question, "Did we make Measurable Progress?"
- The better we define the question we are trying to answer, the easier it is to define "measurable progress."
- Not all measures are "equal." Some are measuring effort (inputs), some accomplishments that lead to the goal (outputs), and some effectiveness of the reductions activities (outcomes).
- *Measurable* (that is can be quantified), *defensible* (i.e., data quality of the mass (grams) of PCB removed from the river is defined)
- A best-case scenario is to have consensus about what "measurable progress" is and how it is determined.
- How does this relate to achieving water quality standards (present and future?)
- Can the identified goal be quantified over a defined period of time?

#### What is Measured

- Trends analysis as a measure of the effectiveness of reductions measures in the river. There is an optimum time frame that this should cover (i.e., 5 years).
  - Fish tissue
  - Sediment
  - Water quality
  - (Sediment) cleanup sites (legacy, on-going, new); effectiveness monitoring
- There have been actions in the past and ongoing actions that contribute to measurable progress. Communications as to what has and what is happening needs to be clearer, available, and accessible to the public.
- What (activities, work products, environmental data) are counted as contributing to "measurable progress?"
- "Measures" could include trends, effectiveness of cleanup activities, effectiveness of treatment systems upgrades, Urban Waters source control actions.
- There are significant data gaps. Better estimates of the PCB inputs to the river are needed to do evaluate progress.
- A Quality Assurance Project Plan (QAPP) is needed to ensure that there is consistency in data collection.

## Collaboration

- Collaborative input is needed to develop the concept of measurable progress.
- Collaborative action is needed to collect data and track trends (States, Tribes, Permittees, etc.)
- Innovative thinking is important
- There needs to be an opportunity for everyone to provide input as the definition is being developed.
- The current process to define “measurable progress,” is not a permit negotiation. Ecology is involving stakeholders and asking for input.

## Geography

- Geographic extent: Progress should be measured along the entire extent of the river.
- Ultimate goals: achieving water quality standards and no fish consumption advisories along the length of the river from the outlet of Lake Coeur d’Alene to the confluence at Lake Roosevelt.
- Monitor the movement of toxics through the system.

## Time Frame

- There is a sense of urgency that we need to move forward on this. There should be a long/short term view of what “measurable progress” looks like in the next 6 months. The long-term metric should have staying power.
- Look back is important: how far have we come over the last 20 years? Don’t ignore the bigger context. Paint the long term picture.
- What measures are appropriate for long and short timeframes? These could be different sets of measures.
  - Ultimate goal is achieving the water quality standards this is a long term (> 50 years?) goal
  - The permit cycle (2016) is a shorter timescale (3 years, current cycle; 5 years ongoing permits; 10 years as maximum)
- The water quality standard could change, which could impact the time needed to achieve the goal and the number of permitting cycles needed to get there.
- Based on the experience in Oregon, might not see PCB reductions for a very long time, so focus on where reductions can be made now, which may or may not be under a permit mechanism.

## Major Issues

- Would like to involve the Spokane Tribe back in the process and the Task Force
- Education and communication to the public about major issues
- Time to reach goal
- Contribution of non point sources to PCB loading in the watershed
- Explaining cost/benefit

- The federal dams in the Columbia River are undergoing litigation and could be seen as a source for fish advisories in the Columbia.

**August 12, 2013**

**2 pm – 3 pm**

**Attendees:**

Adriane Borgias, ECY  
Diana Washington, ECY  
Ellie Key, ECY  
Dave Knight, ECY  
Jim Bellatty, ECY  
Pat Hallinan, ECY

Amy Martin, Colville Tribes  
Rebecca Stevens, Coeur d'Alene Tribe  
Ben Jarvis, IDEQ  
Dan Redline, IDEQ  
Mary Lou Soscia, EPA

**1. Introductions and Review of Agenda**

- JB summarized the reply by the Pollution Control Hearings Board to the appeal of the Spokane County NPDES permit. There were two concerns: the need for more items and accountability in the special condition associated with the Toxics Source Control Action Plan and the role of the SRRTTF in the narrative requirements. The Sierra Club filed a petition for reconsideration. This emphasizes the importance of developing more detailed information and the need to be accountable for measurable progress.
- A Good News Story: EPA has selected Tom Eaton at the Washington Operations office to be the key representative on the SRRTTF. Mary Lou Soscia with the Columbia River Toxics Reduction Working Group will assist and provide perspective with respect to the work that is happening in the Columbia River basin.

**2. Measurable progress discussion**

**A. *How does this topic impact you or your organization?***

- It is important to stay connected with sovereign governments on this topic.
- Ecology has the responsibility but needs to develop the concept with everyone's input.
- Perspective: the concept of "measurable progress" was included in the NPDES permits and MOA at the request of the Spokane Tribe and others who were involved in the early SRRTTF process.
- The SRRTTF is not *in lieu* of a TMDL; Ecology will do a TMDL if we don't make "measurable progress." So, we want to honestly answer the question, "Did we make Measurable Progress?"
- Idaho is still in the draft stages of the permit and not sure what "measurable progress" will mean yet. Expects to hear directly from the permittees on this topic.
- There is similar language in the Lake Management Plan with respect to management of metals.
- Would like to hear what EPA's interpretation on this topic is.
- The Lake Management Plan uses a 5-year trends analysis. This should be a minimum goal for tracking trends. This is a collaborative state/tribe effort.
- What has the Task Force done to date that is measurable?
- Be cautious about using the efforts of others as a measure of SRRTTF work.
- Progress should be measured along the entire length of the river: PCB levels in the Spokane River as a tributary to Lake Roosevelt.

- How would fish consumption data be used as a trend?

**B. *What do you think embodies measurable progress toward meeting water quality standards for those?***

- Information relating to Fish Consumption, along entire length of the river
- Fish Advisories, with the goal being “none”
- 5-year trends
- Tracking cleanup sites: on-going work and sediment clean up. For example, where is the final report on the work that Ecology is doing (Sandy Treccani) regarding beach clean up?
- NPDES permittees: upgrades to systems and removal of PCB from wastewater; i.e., Municipal WWTPs membrane filtration, Kaiser Aluminum walnut treatment system
- Urban Waters: Source control identification, prevention, and response actions.

**C. *How do you think the Department of Ecology would define measurable progress?***

- 303(d) listings: the Spokane River meets water quality standards. The way segments are listed is being changed in Washington State from a Section/Township/Range designation to a reach designation. This will affect how the listings are described on the river: there will most likely be larger but a fewer number of segments.
- Timescale: The time frame for achieving water quality standards is long term (> 50 years?) vs. a shorter timeframe needed for the permit cycle (2016). On a smaller scale, what would be measurable?
- Could do a matrix of goals and outcomes, with a set of goals that addresses the permit cycle.
- The Idaho permittees will be doing in-river monitoring, which could change the 303(d) listings on the river.

**D. *Do you think others on the SRRTTF would define it the same way as either you or Ecology? If not, how would other parties define it?***

- Time is an important consideration: How long does the process have to get to the endpoint?
- Ideally, would have metrics that would be applicable at the end of the permit cycle. Is 5 years important? 10 years? Need next three years to evaluate and answer the question of measurable progress.
- Look at currently available quantitative results to see what can be used to determine measurable progress.
- As we collect data, measurable progress becomes a refinement of the *loading*. The better the river system is described, the better we define the question we are trying to answer, the easier it is to define “measurable progress.”

- Identifying and responding to data gaps is worthwhile. For example, the PCB TMDL had identified that the data was unable to account for more than half the PCB inputs to the river due to uncertainty of the measurement or lack of knowledge about specific inputs. Better estimates of the PCB inputs to the river are needed to do evaluate progress.
- Examples current areas where measurements are being taken or have been identified:
  - Washington DOT is measuring PCB removed from stormwater sediment as a result of vector truck operations.
  - City of Spokane Integrated Planning
  - NPDES permit requirements and Toxics Management Plans
  - Urban Waters plans to do In-River sampling of sediment
- Assign a value with respect to different activities such as products/product removal from market, public education and outreach. Perhaps a matrix approach: inputs/outputs/outcomes.
  - Caution about assessing the effectiveness of education and outreach. This is not necessarily a straightforward process.

***E. What is the best-case scenario for HOW measurable progress is determined? What is best case for what measurable progress is defined as?***

- Has to be *measurable* (that is can be quantified), *defensible* (able to measure the mass (grams) of PCB removed from the river)
- Consider the different types of sources: point vs. nonpoint and criteria based on types of activity and ability to measure/predict removal of PCB/reduction of inputs from/to the river
- A best-case scenario is to have consensus about what “measurable progress” is and how it is determined.
- Re: upstream waters – identify the point sources; address through pre/post measurements. Monitor the movement of toxics through the system.
- The permits establish numeric and performance based limits. The challenge is getting to water quality based limits.
- How do we keep the Task Force engaged, being productive and effective as we move forward?
- The Task Force will need to consider reductions in other sources than just the NPDES permittees. The PCB source assessment identified NPDES discharges as 8% of the contribution. This will go down as enhanced treatment is installed. For example, the county plant removes 99.8% of PCB from influent.
- Nonpoint sources need to be included in the reductions in order to reach the 3.37 ppq water quality standard.
- If we remove all permit discharges from the river then we have to consider other effects like impacts to instream flow.

- Will the water quality standard change? We will most likely have tighter standards in Washington but we don't know what that will be. We don't know when that will be. We can still work towards achieving reductions in the interim.
- The Water Quality Standard will be key to the permits and the time frame needed to achieve the goal. How many permit cycles do we need to achieve the goal?
- Based on the experience in Oregon, might not see PCB reductions for a very long time, so focus on where reductions can be made now, which may or may not be under a permit mechanism.
- Look back is important: how far have we come over the last 20 years? Don't ignore the bigger context. What is the "slope" of the reductions for the next 20 years? That is the question. Paint the picture.

***F. What would you describe as the major issues associated with this topic?***

- Educate on the "last 10%." A 10% investment removes 90% and a 90% investment is required to remove the last 10%. It takes time and resources to achieve the water quality standard.
- EPA's expertise in explaining to the public the cost/benefit of toxics reductions is valuable.
- Innovative thinking and collaboration is important.
- Question about fish consumption and impact of the dams on PCB. What is the situation in the Spokane River? What is the impact of the dams?
- It could be difficult using fish tissue information to identify the nonpoint source contribution of PCB to the river.

***G. What do you think a fair outcome would look like?***

- Something we all agree on, everyone has a chance to provide input.
- Collaboration is important
- Can the identified goal be quantified over a period of time?
- The Spokane River is unique in its level of collaboration.
- The federal dams in the Columbia River are undergoing litigation and could be seen as a source for fish advisories in the Columbia.
- Avista is removing all transformers that contain PCB oil. Find out more and what this adds up to.

***H. What concerns or challenges would need to be addressed?***

- How to bring the Spokane Tribe back into the process. The Tribe was very active early on and it is important to continue to interact and include them.

***I. What suggestions do you have for resolving those concerns or challenges?***

- Meet with the stakeholders.
- Communicate that this process of defining "measurable progress" is not a permit negotiation process. It is a listening for input.

***J. Do you have specific examples of something you are currently measuring that can be used to assess (directly or indirectly) reductions of PCB in the Spokane River?***

- Previously discussed, no new ideas.

***K. What should we have asked that we did not?***

***L. Is there anything else that should be discussed or questions that you have?***

- Defining “measurable progress” needs to mesh with the 5-year permit cycle: how do we define measurable progress with a goal of achieving water quality standards and eliminating the fish consumption advisories?
- The definition should be developed in a rigorous manner: a long-term metric with staying power.
- There is a sense of urgency that we need to move forward on this. There should be a long/short term view of what “measurable progress” looks like in the next 6 months.
- The SRRTTF allows for broad community buy-in that goes beyond enforcement structure towards universal participation.
- Build on successes.
- Take advantage of EPA enforcement
- What SRRTTF does applies as an example to the entire Columbia River Basin
- EPA intends to sign the MOA when the Idaho permits are final.
- IDEQ intends to sign the MOA when the Idaho permits are final.
- There will be possible revisions when the MOA is finalized.
- Keep EPA permit writers aware of the issues
- Standardized data analysis is needed. The QAPP that is developed by LimnoTech is a short term implementation goal. This will ensure that there is consistency in data collection.